

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

MWK RECRUITING, INC,

Plaintiff,

v.

EVAN P. JOWERS,

Defendant

Case No. 1:18-cv-00444-RP

DECLARATION OF TRISTAN C. LOANZON

1. My name is Tristan C. Loanzon. I am of sound mind, I am capable of making this declaration (“Declaration”), and I have personal knowledge of the facts stated in this Declaration. All of the facts stated in this Declaration are true and correct. I am over 21 years of age and have never been convicted of a felony or a crime of moral turpitude in any jurisdiction.

2. I respectfully submit this declaration in support of plaintiff’s application for an award of reasonable attorney’s fees arising from defendant’s breach of the Jowers Agreement, Forgivable Loan, and Revolving Loan.

3. I am admitted to practice law in good standing in the State of New York, in the District of Columbia, and before this Court *pro hac vice*. I am also admitted in the California bar in good standing but on inactive status.

4. I have practiced complex commercial and civil litigation in New York, California, and Washington, D.C. since graduating from Northwestern University Law School in 1997. I received an L.L.M. from Georgetown University Law Center in 1998. After graduation from Georgetown, I worked as a litigation associate at big law

firms in Washington, D.C. and New York City, where I concentrated in complex commercial litigation. In addition to my practice, for the last ten (10) years, I teach an annual trial advocacy course for law students at Cardozo Law School in New York. Since 2007, I have been involved in NYU Law School's Lawyering Program to teach law students negotiation and oral argument skills.

5. I was a litigation associate at Manatt Phelps & Philips in New York until I opened my own law partnership in 2004. I focused my practice on representing individuals and corporations in commercial litigation. I have tried five (5) complex jury commercial and civil cases and fifteen (15) bench trials and appeared in federal and state courts on numerous occasions.

6. In New York City, where I live and work, attorneys with my experience working on litigation matters regularly collect rates exceeding \$750 per hour. Because I do not normally practice in federal court in Austin, Texas, I do not have an opinion as to what would be a reasonable rate in Austin for the services I provided in this case.

7. In this matter, I was asked by Robert Kinney to enter the case pro hac vice to assist with the discovery phase of the case. Between December 2019 and September 2020, I worked 36.4 hours in this capacity. I spent 1.1 hours in preparing this declaration and the exhibit. The attached time entry records are an accurate description of the tasks I performed and the time that was involved in performing them. I believe that I worked diligently and efficiently in performing the tasks that I performed in this case.

8. In reaching my opinion on the reasonableness and necessity of the time I worked on this matter, I have reviewed my time records in this matter that are attached as Exhibit. I spent a total of 37.5 hours in preparing and reviewing discovery demands, preparing responses to those demands, reviewing subpoenas, attending several phone meetings with defendant's counsel, and preparing this declaration

9. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
October 3, 2022

Tristan C. Loanzon

Tristan C. Loanzon

Tristan C. Loanzon - Time Entries - MWK v. Jowers			
Date		Description	Hours
2019-12-30	TCL	Prepare responses to document request	0.6
2020-01-01	TCL	Prepared responses to document request	0.6
2020-01-02	TCL	Reviewed pleadings, and continued preparing responses	1.2
2020-01-03	TCL	Prepared response to document request	1.5
2020-01-05	TCL	Drafted responses and objections	0.6
2020-01-06	TCL	Continued drafting responses and objections	0.4
2020-01-07	TCL	Continued drafting responses and objections	0.5
2020-01-13	TCL	Reviewed defendant's discovery responses	0.5
2020-01-14	TCL	Reviewed interrogatories and document response	0.6
2020-01-15	TCL	Continued reviewing interrogatories	1.2
2020-01-16	TCL	Prepared responses to interrogatories	0.6
2020-01-24	TCL	Reviewed discovery	0.6
2020-01-31	TCL	Reviewed document response, and reviewed Jower's response	0.8
2020-02-01	TCL	Reviewed response to document request	0.7
2020-02-03	TCL	Reviewed responses	0.4
2020-02-04	TCL	Continued reviewing responses	0.7
2020-02-18	TCL	Attention to discovery	0.5
2020-02-19	TCL	Attention to discovery (0.3 hr.);	0.3
2020-02-20	TCL	Attention to interrogatories (1.4 hrs.);	1.4
2020-02-21	TCL	Discussed matter with J. Bookhout and Micala Bernardo (0.4 hr.);	0.4
2020-02-23	TCL	Reviewed MWK production (0.5 hr.);	0.5
2020-02-24	TCL	Continued reviewing MWK production (0.6 hr.);	0.6
2020-02-25	TCL	Prepared supplemental request for documents (0.9 hr.); and	0.9
2020-02-27	TCL	Prepared 2nd request for production (0.3 hr.).	0.3
2020-03-02	TCL	Prepared responses to responses (0.3 hr.);	0.3
2020-03-03	TCL	Continued preparing responses to responses (0.4 hr.);	0.4
2020-03-04	TCL	Reviewed Legis subpoena (0.7 hr.);	0.7
2020-03-05	TCL	Prepared response to email, and reviewed Legis Ventures subpoena issue	0.9
2020-03-04	TCL	Continued reviewing Legis Ventures subpoena issue (0.2 hr.);	0.2
2020-03-05	TCL	Continued reviewing Legis Ventures subpoena issue	0.5
2020-03-10	TCL	Attention to interrogatories document request, and corresponded with JB	0.9
2020-03-11	TCL	Attention to document production	0.4
2020-03-12	TCL	Prepared discovery responses objections	0.8

2020-03-13	TCL	Continued preparing discovery responses objections	0.6
2020-03-19	TCL	Attention to Langer discovery (0.2 hr.);	0.2
2020-03-28	TCL	Reviewed JB letter dated March 27, 2020, and redrafted requirements for admission	0.4
2020-03-29	TCL	Reviewed DLA letter (0.3 hr.).	0.3
2020-05-05	TCL	Reviewed DLA letter dated March 27, 2020, and reviewed responses to the DLA letter dated March 27, 2020	0.5
2020-05-06	TCL	Attended meet and confer with DLA Piper (1.0 hr.);	1
2020-05-11	TCL	Attended meet and confer with DLA Piper (1.1 hrs.);	1.1
2020-05-18	TCL	Reviewed DLA email dated May 14, 2020	0.3
2020-05-28	TCL	Reviewed Jowers Langer response to interrogatories and document production	0
2020-06-30	TCL	Reviewed M&C legtters, and reviewed responses to second doc request	2.7
2020-07-01	TCL	Continued preparing responds to second document request	0.9
2020-07-02	TCL	Attended Meet & Confer with R Tauler	1
2020-07-13	TCL	Reviewed responses to discovery requests	0.1
2020-07-04	TCL	Correspond w R Tauler	0.5
2020-07-20	TCL	Draft email to opp counsel	0.1
2020-07-22	TCL	Attend to 2nd RFP, 1st Rogs, and 1st RFP	2.6
2020-07-27	TCL	Attend to 1st Rogs	0.2
2020-08-04	TCL	Attention to discovery conference and attention to meet and confer	2.4
2022-10-03	TCL	Prepared declaration	1.1
		Total	37.5